
Chapter 4

IMPLEMENTATION

Procedures for Plan Modification

The land use designations, policies, implementation actions, and management guidelines of this plan may be changed if conditions warrant. The plan will be updated periodically as new data and new technology become available and as changing social or economic conditions place different demands on state lands.

PERIODIC REVIEW

The plan will be reviewed approximately once every five years to determine if revisions are necessary. An interagency planning team with state and borough representatives will do this review. The guidelines for grazing authorizations and the Willer-Kash Road buffer will be reviewed when the plan is updated. The guidelines may be changed based on research findings or the results of grazing permits and leases offered under the current policy.

TYPES OF CHANGES TO THE PLAN

Three types of changes may be made to a plan: amendments, special exceptions, and minor changes. Amendments and special exceptions are plan revisions subject to the planning process requirements of AS 38.04.065 and the regulations in 11 AAC 55.250; minor changes are not.

Changes to the plan may be proposed by agencies, municipalities, or members of the public. The director of the DNR Division of Land and Water determines what constitutes an amendment, special exception, or a minor change on state land. On borough land, the decision is made by the borough manager.

State regulations for plan modification on state land are being revised. When new regulations are adopted, they will supersede this section and direct plan modification procedures. A plan amendment is not required to incorporate the new procedures. In the interim, the current regulations and additional explanatory sections will guide plan modification. The sections in brackets {} have been included in recently adopted state land use plans, and are being considered for inclusion in the revised regulations.

Plan Amendment

An amendment permanently changes the land use plan by adding to or modifying the basic management intent for one or more of the plan's subunits, or by changing its allowed or prohibited uses, policies, or guidelines. For example, an amendment might close to new mineral entry an area that the plan designated to be open, allow a land use in an area where the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan designated for retention in public ownership (11 AAC 55.030).

Special exception

A special exception does not permanently change the provisions of a land use plan and cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited purpose variance of the plan's provisions, without changing the plan's general management intent or guidelines. For example, a special exception might be used to grant an eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit designated for retention in public ownership (11 AAC 55.030).

{Special exceptions may also occur when the proposed activity requires only a small part of a management subunit, does not change or modify the general management intent, and serves to clarify or facilitate the implementation of the plan. An example would be allowing a prohibited use based on more detailed data in a small area on the edge of a management subunit next to a subunit where it is allowed.}

A special exception might be made if complying with the plan would be excessively burdensome or impractical or if compliance would be inequitable to a third party, and if the purposes and spirit of the plan can be achieved despite the exception (11 AAC 55.030).

{A special exception cannot be used to reclassify an area. Special exceptions may apply to prohibited uses or guidelines.}

Minor change

A minor change is not considered a revision under AS 38.04.065. A minor change is a change that does not modify or add to the plan's basic intent, and that serves only to clarify the plan, make it consistent, facilitate its implementation, or make technical corrections. (11 AAC 55.030) The state and borough will provide one another the opportunity to review proposed minor changes.

CHANGES TO THE PLAN ON STATE LAND

Requests for changes on state land should be submitted to the Southcentral Regional Office of the DNR Division of Land and Water.

{Amendments must be approved by the commissioner. The Department of Natural Resources will convene the planning team as needed to make recommendations on plan amendments.}

Procedures for plan amendment.

- A. Taking into account the requirements of AS 38.04.065 (b), the commissioner will prepare a written document that specifies:
 - the reasons for the amendment such as changed social or economic conditions;
 - the alternative course of action (what the plan is being changed to); and
 - why the plan amendment is in the best public interest.
- B. Where practical, the document should be part of or circulated with a finding required by AS 38.05.035(e).
- C. Before making the final decision, the commissioner will request comments and give public notice consistent with AS 38.04.065(b)(8) and 38.05.945 to affected local governments, state and federal agencies, adjacent landowners, and the general public. This notification will include the points described in A above and may be combined with public notice required by applicable permitting procedures. If warranted by the degree of controversy, the commissioner may hold a public meeting before making a decision.

Procedures for special exception

Decisions concerning special exceptions will be made by the director of the Division of Land and Water. The director's decision may be appealed to the commissioner. Special exceptions require public notice and, if appropriate, public meetings. DNR will convene the planning team as needed to make recommendations on special exceptions.

- A. Taking into account the requirements of AS 38.04.065(b), the director will prepare a written document that specifies:
 - the reasons for the special exception (why a variance is needed);
 - the alternative action or course of action to be followed;
 - why the special exception is in the best public interest; and
 - how the general intent of the plan and management unit will be met by the alternative course of action.
- B. Where practical, the document should be part of or circulated with a finding required by AS 38.05.035(e).
- C. Before making the final decision, the commissioner will request comments and give public notice consistent with AS 38.04.065(b)(8) and 38.05.945 to affected local governments, state and federal agencies, adjacent landowners, and the general public. This notification will include the points described in A above and may be combined with public notice required by applicable permitting procedures. If warranted by the degree of controversy, the commissioner may hold a public meeting before making a decision.)

Special exceptions to guidelines modified by "will" or "shall"

Special exceptions to guidelines modified by the word "will" or "shall" may be allowed for individual actions. The decision not to follow a pertinent guideline modified by the term "will" will be consistent with the procedures for special exceptions.

Procedures for minor changes

{Minor changes are made at the discretion of the DNR Division of Land and Water South-central Region manager and do not require public review. Affected agencies will be notified and have an opportunity to comment; the comment period may be provided through existing inter-agency review processes for associated actions. The regional manager's decisions may be appealed to the director. The director's decision may be appealed to the commissioner.}

{Discretion within guidelines}

Some policies in the plan, like those modified by the terms "feasible and prudent", "feasible", and "should" are written to allow for exceptions if the conditions described in the policy are met. The definitions of these terms are in the Glossary in Appendix A. The procedures for allowing exceptions to these guidelines are given in this section. Exceptions following these procedures are neither revisions nor changes to the plan.

Guidelines modified by "feasible and prudent" or "feasible"

Exceptions to guidelines modified by the phrase "feasible and prudent" or "feasible" (see definitions in Glossary, Appendix A) may be allowed after the steps outlined below have been taken.

- A. The regional manager will prepare a written document that specifies:
 - the conditions that make compliance with the guideline not feasible or not feasible and prudent;

- the alternative course of action to be followed; and
 - how the intent of the plan and management unit will be met by the alternative course of action.
- B. Where practical, the document should be part of or circulated with a finding required by AS 38.05.035(e).
- C. Before making the final decision, the director will give notification required by the applicable permitting procedure and request comments on the proposed action. This notification will include the points described in A above.

Guidelines modified by "should"

Exception to guidelines modified by the word "should" can be made by the DNR Division of Land and Water Southcentral Region manager, or the manager's designees. The guideline does, however, state an intent of the plan that should be met, using the best managerial practices for the given situation. These exceptions require a written justification in the administrative record. The justification should briefly outline how the action meets the intent of the guideline or why the particular circumstances justify deviation from the intended action or conditions. In addition, the manager must ensure that any exceptions do not conflict with the Alaska Coastal Management Plan standards including adopted coastal plans.}

CHANGES TO THE PLAN ON BOROUGH LAND

Amendments to the plan on borough lands must be approved by the Borough Assembly. Amendments require public notice and consultation with affected agencies and may require a public hearing if the Borough Assembly decides a hearing is warranted by the level of controversy. Amendments may be proposed by agencies, municipalities, or the public. Results of the Matanuska-Susitna Borough's comprehensive planning process also may be used as a basis for plan amendment.

Requests for amendments, special exceptions, or minor changes to the plan on borough land are submitted to the Matanuska-Susitna Borough Planning Department.

Amendment to the Willow Subbasin Area Plan

This plan amends the Willow Subbasin Area Plan. It supersedes the Willow plan for the Kashwitna Unit. Public notice that this plan amends the Willow plan was circulated along with public notice for the final Kashwitna Management Plan.

Land Exchanges

To consolidate state and borough ownership and to reduce the need for new permanent roads, the borough and the state will consider exchanging borough land south of Little Willow Creek in T21N R4W section 25 for state land elsewhere in the borough. This exchange is subject to AS 29.65.090.

The state and borough also should consider exchanging land around the lake in T21N R4W sections 1 and 12 to ensure that land is retained in public ownership for a recreation site. Enough land should remain public to provide for camping and picnicking.

Recreation Analysis

The Willer-Kash Road extension (see Route A in the Roads, Trails, and Public Access section of Chapter 3) will cross Little Willow Creek with a permanent bridge. This crossing is likely to increase recreational use of the creek. The creek supports pink, chum, coho, and king salmon, rainbow trout, and grayling. The portion of the creek that crosses the Kashwitna Unit is currently open for fishing under DFG regulations for all these species except king salmon.

The suitability of the creek for boating or floating is not known. The status of resident and anadromous fish stocks in this reach of the creek are also unknown. These factors will largely determine the demand for recreation near the creek crossing, and will affect what facilities are needed. For example, if the river is floatable, a spot to launch canoes or rafts will be needed. If the creek will be a popular sport fishing area, trails may be needed to disperse use along the banks. Parking will be necessary to support either of these activities.

An analysis of the potential for boating, floating, and sport fishing on Little Willow Creek is necessary before the crossing is designed. The analysis will require field checks by the DNR Division of Parks and Outdoor Recreation and DFG. (See guideline on Recreation Analysis for Little Willow Creek Crossing in the Recreation section of Chapter 3.)

Research

GRAZING

The interactions of livestock with wildlife and forest regeneration need field observations and documentation. Grazing permittees and lessees should participate in the process of documenting the effects of grazing in their permit areas. DNR and DFG will identify a specific set of observations and documentation requirements for each permit site as a part of the permit. Grazing research for the Kashwitna Unit should be coordinated with similar research recommended in the Hatcher Pass, Deception Creek, and Matanuska Valley Moose Range management plans.

Moose and livestock food habits and behavior are largely unknown in the Kashwitna Unit, although DFG is learning more about moose habitat distribution. To intensively manage moose, livestock, and vegetation in this area, research is needed on food habits, forage quantity and quality, plant tolerance to utilization, and habitat manipulation.

Range survey. The USDA Soil Conservation Service, in cooperation with DNR and DFG, should conduct a field verified range survey of this area. The survey will analyze forage production and determine the location, quantity, and quality of grazing resources in this unit, and the number of livestock the area will support. In 1990, SCS conducted field research in the Kashwitna area. Vegetation data collected include the site index of principal tree species, current annual production by species of forest understory and non-forested vegetation, and canopy cover by species for major overstory and understory vegetation types. These data are correlated to soil units. Interpretations of soil suitability for forestry, livestock grazing, and wildlife habitat are being developed for the soil survey report.

Food habits and behavior. Information is needed on the year-round locations of moose and summer livestock grazing patterns. Existing information from a study by Compton and Brundage¹ indicate potential for competition between moose and cattle. Food preferences

¹Compton, T. L., and A. B. Brundage. 1986. Cattle Behavior on subalpine range in southcentral Alaska. J. Animal Science. 32(2):339-342.

must be identified to determine what may be used by both moose and livestock. Moose are known to browse in winter and summer and may also graze to some extent in the summer. Livestock are primarily grazers, but are known to browse. Food items must be identified before one can determine how many animals a range will ultimately support. Information on livestock grazing patterns in other areas should be reviewed and incorporated into research on this unit to the extent applicable.

Forage quantity and quality. The initial stocking rate of a range will be based on quantity of available forage and nutritional value. At different times of the year, lower nutritional levels may be acceptable while at other times, such as prior to calving, higher levels are necessary. Before any new grazing is allowed, DNR will establish control plots within the area to be grazed. Condition and trend plots must also be established to monitor range condition, species composition, and nutrient production.

Tolerance to utilization. Most grazed or browsed plants require utilization to maintain productivity. However, too much can be harmful, and the level at which harm occurs varies by species. Conclusions from studies by DFG in the Kenai National Wildlife Refuge and by Chugach National Forest indicate that willow should not be browsed beyond a 1/4-inch minimum diameter. Sometimes grazing and browsing may change the vegetation composition in an area. This could be either beneficial or detrimental depending on management objectives. For instance, overgrazing grass would be harmful to the grass, but this may reduce competition for the woody species. Hence, browse and forest products may increase. Species-specific studies are necessary to determine the effect of livestock grazing and moose browsing on the main forage species.

Habitat and forest management. The DNR Division of Forestry is planning to manage commercial and personal use cutting in the Kashwitna area to regenerate forests and improve moose browse. In some situations, the major component of the understory is bluejoint reedgrass (*Calamagrostis canadensis*), a competitive grass with poor nutrient value at the end of the summer unless it has been grazed. A pilot project may be established to determine if different grazing practices after timber harvest would influence competition between grass and browse species, possibly resulting in increased browse and wood products. An analysis of the results of different timber harvesting and regeneration practices and different grazing practices under a variety of physical conditions is necessary.

Moose utilization. The DNR Division of Forestry and the Department of Fish and Game will cooperate to design and conduct research on moose utilization of timber harvest areas.

STREAM BUFFERS

Little research on stream buffers exists for interior Alaska ecosystems. Additional information will help evaluate the effectiveness of stream buffers for maintaining fish and wildlife habitat values. Research should cover the ability of buffers of different widths to stabilize stream banks, provide shade, protect water quality, contribute large woody debris, and provide wildlife cover and food.

FORESTRY AND HABITAT

The Division of Forestry and the Department of Fish and Game are conducting research on the interaction of forestry and habitat in the Susitna Valley. This information will help DOF and DFG design regeneration systems that will benefit moose habitat and ensure prompt reforestation after timber harvesting. Some of this research is occurring in the Kashwitna Area. The Kashwitna Area may be used for future research because of active timber harvesting, high moose populations, and accessibility.

DOF is currently researching site preparation and regeneration in two research projects adjacent to the Willer-Kash Road (T20N R3W section 30, S.M.). Forty acres was scarified with a clearing blade in the spring of 1989. DOF will monitor birch and white spruce regeneration. A transplant bed with 10,000 1/0 seedlings was established in the summer of 1990. Seedlings included white spruce, siberian larch, and lodgepole pine. These trees will be out-planted in adjacent units of timber sale SC-1255 during 1991 and 1992.

DFG is currently researching

- methods of site preparation after logging that will promote establishment of hardwood seedlings at high densities,
- methods of maintaining early successional forest types to prolong the availability of browse following reforestation,
- effects of browsing on reforestation,
- methods of manipulating black spruce stands to produce hardwood browse,
- seasonal habitat preferences of moose, and
- moose subpopulations, movement patterns, and sources of mortality.

Special Use Area Designation

This plan directs DNR to establish a special use area for the Kashwitna Unit for management of off-road vehicle travel (see Chapter 3, Roads, Trails, and Public Access). The intent of the special use area is to identify routes that can be used by ORVs year-round without causing environmental damage, and routes that will be open for ORV use only with adequate snow cover to protect vegetation. Summer ORV travel will be allowed only on designated routes. When adequate snow cover exists, the entire area will be open to ORV use.

To establish a special use area, DNR, in consultation with DFG and the Matanuska-Susitna Borough should

1. Map existing trails and identify existing public uses.
2. Check trail routes and trail conditions to determine which trails are actively used and which are capable of sustaining summer ORV use. This is best done after moose season, when the effects of peak use can be observed. This should include consultation with user groups to identify high-use areas.
3. Develop recommendations for which trails should be designated summer ORV routes.
4. Develop guidelines for the amount of snow cover required for area-wide ORV use.
5. Notify the public of the intent to establish a special use area, and invite public comment.
6. Establish the special use area and implement its guidelines.
7. Work with user groups to establish and maintain trails.

Current enforcement procedures require slow and costly civil litigation against individuals who violate special use area regulations. The planning team recommends that the legislature grant DNR citation authority to enforce the special use area guidelines. The special use area will not apply to borough lands unless specifically approved by the Matanuska-Susitna Borough Planning Commission and Assembly.

Monitoring and Enforcement

This plan emphasizes multiple use. It relies on existing laws and regulations, new guidelines, and a special use area for ORV travel to make different uses compatible. To make these protect these uses, and to develop public confidence in the state's multiple use management, these measures must be enforced. Examples of actions likely to need field work, monitoring, and enforcement include design of trail and road routes, use of the Willer-Kash Road buffer, timber sales, and grazing permits.

Field staffing and funding are currently inadequate to enforce the laws and guidelines on all state lands. DNR puts a high priority on taking action against unauthorized activities and on monitoring and enforcing compliance with stipulations on leases, permits, and sales where activities are likely to create significant negative impacts on other important resources or uses. DNR's ability to enforce laws and guidelines in the plan depends on its budget. The Department will continue to reflect these priorities for monitoring and enforcement in its budget requests. The planning team recommends that additional funds be dedicated to implementing, monitoring, and enforcing the land management policies in the Kashwitna Unit.

Right-of-Way Reservation

The DNR Division of Land and Water will reserve a 300' right-of-way for the Willer-Kash Road corridor. The 300' width is intended to reserve enough room to locate the road in the field in the best location. After construction, the width will be reduced to 100'.

Forest Practices Act Review

The planning team recommends review of the statutory definition of "sustained yield" (AS 41.17.950) when the Forest Practices Act is reviewed. The review should consider whether or not declining flow should continue to be included in the definition of sustained yield.